

AO 440 (Rev. 12/09) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Eastern District of New York

Matthew Burke and Joseph Romeo, on behalf of  
themselves and all similarly situated employees

*Plaintiff*

v.

P.C. Richard & Son LLC

*Defendant*

Civil Action No. 14-CV-6392 (LDW)

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* P.C. Richard & Son LLC  
150 Price Parkway  
Farmingdale, NY 11735

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Amanda M. Fugazy  
Ellenoff Grossman & Schole LLP  
1345 Avenue of the Americas, 11th Floor  
New York, NY 10105

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DOUGLAS C. PALMER  
CLERK OF COURT

Date: 10/31/2014



S/ LindaAnne Fagan  
*Signature of Clerk or Deputy Clerk*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
MATTHEW BURKE and JOSEPH ROMEO  
on behalf of themselves and all similarly  
situated employees,

Plaintiff(s),

Case No. 14-CV-6392

-against-

AFFIDAVIT OF SERVICE

P.C. RICHARD & SON LLC,


Defendant(s).

-----X  
STATE OF NEW YORK )  
S.S.:  
COUNTY OF NEW YORK)

DOMINIC DELLAPORTE, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, METRO ATTORNEY SERVICE INC., and is not a party to this action.

That on the 30<sup>th</sup> day of October, 2014, at approximately 2:39 PM, deponent served a true copy of the Summons in a Civil Action and Complaint upon P.C. RICHARD & SON LLC at 150 Price Parkway, Farmingdale, New York, by personally delivering and leaving the same with James Mayernik, Accounting Manager, who informed deponent that he is an agent authorized by appointment to receive service at that address.

James Mayernik is a white male, approximately 47 years of age, stands approximately 5 feet 8 inches tall, weighs approximately 150 pounds with brown hair, mustache and glasses.



DOMINIC DELLAPORTE #1320496

Sworn to before me this  
31<sup>st</sup> day of October, 2014

  
NOTARY PUBLIC

EVAN COHAN  
NOTARY PUBLIC & ATTORNEY AT LAW  
NO. 02C04998577  
QUALIFIED IN ROCKLAND COUNTY  
CERTIFICATE FILED IN NEW YORK COUNTY  
COMMISSION EXPIRES JUNE 29, 2018